seats facing the stage. On the side of these two aisles are tables where refresh ments could be had, and about each table were four or five chairs. As you enter from the Twenty-sixth street side of the Garden you go up by the elevator and you first come to a series of these tables, then the chairs, then the other aisle of chairs and further over another row of tables.

"Mr. White came up the Twenty-sixth street elevator and sat down at one of the tables about thirty-five feet from the door. He sat there with his head on his hand watching the play. He was all alone and no one else was seated at the table at which he was seated. The defendant was in the theatre. He was there with his wife. a man named Truxtun Beale and a man named McCaleb (Thomas McCaleb of Chicago, who may be a witness.]

The defendant walked about the theatre. The defendant saw Mr. White. He returned to his wife and friends, and in the middle of the second act started to leave the theatre with them. As they went out he let the rest of his party go ahead and he fell back. When he got opposite Mr. White he turned around and wheeled in front of him and deliberately shot him through the brain. The ball entered the left eye. Mr. White fell dead. For fear he had not completely done his work he shot him again. This time the ball went through the mouth and went through Mr. White's brain. Still not content, he shot him again, this time in the left shoulder.

"Mr. White, or rather the body of Mr. White, tumbled to the floor. The defendant turned around and faced the audience. He turned the pistol upside down in his hand, holding it by toe muzzle, and faced the audience in that way. derstood that his act was complete; what he intended to do had been done, and the au-dience understood and there was no panic. He walked toward the door and a fireman rushed toward him, threw his arms around him and took the gun away. He was put under arrest and brought to the police station. He was indicted by the Grand Jury and is now here to be tried by you on The people claim that it was a cruel,

deliberate, malicious, premeditated taking of a human life. After proving that fact to you we will ask you to find the defendant guilty of the crime of murder in the first Mr. Garvan had concluded the shortest

opening speech to a jury in a "big" case on record. Mr. Jerome, who had been sitting at his elbow, and who had not even made a suggestion during the speech, moved

to another chair.

Just before young Mr. White was called to the stand Clerk Penney announced that the talesmen of the special panel not yet exhausted in the process of getting a jury were excused, with the thanks of the Court.

Lawrence White's Story.

Mr. Garvan then began the examination f the first witness. Mr. White told him of the first witness. Mr. White told that his father had spent Sunday at nome in St. James, L. I., and had left there for New York between 6 and 7 o'clock on Monday morning, June 25 last. The witness and Leroy King, a friend of his, left there in the afternoon.

The two young men, the witness said, came up to town and separated, meeting iter at the White home, 121 East Twenty rst street. The witness's father was first street. The witness's father was not at home when the boys got there, but came soon afterward, and the three went to the Café Martin at Fifth avenue and Twenty-sixth street, where they had dinner. The witness said he had bought two tickets for "The Governor's Son," then playing on the roof garden of the New Amsterdam Theatre, for himself and his friend King. s he did not expect his father to accom

After Stanford White was shot it came out that he and his son and Mr. King had occupied a table on the piazza which extends just outside the main dining room of the Café Martin on the Fifth avenue The weather being warm, the dining mom windows were open. Thaw, his wife and Truxtun Beale sat at a table just inside the windows, where they could see Mr. White and his son and it has been repeat-edly asserted that something Evelyn Nesbit Thaw said to her husband when her eyes lighted on Stanford White had much to do with the tradegy that followed.

Young Mr. White went out to say that his father did not accompany him to the theatre because he had engaged tickets for "Mamselle Champagne," on the Madison Square Garden roof. His father, however, took him and Mr. King to the New Amsterdam theatre in a hired electric hansom and left them.

After the theatre he went to the Harvard Club and then to the Grand Central station ofth Mr. King, who took the midnight train He then went home, where he saw some re-porters who called to tell him his father had been shot.

"And in consequence of that conversation did you go to the Madison Square Garden? asked Mr. Garvan. "I did," answered young White.

Q. Did you go to the roof? A. No. Did you see your father there? A. No. Where was he. A. He was somewhere In the building.

Q. When did you next see your father? A. Two or three days later at the house.
Q. About what time as you can best fix it did you get to Madison Square Garden? A. Just before 1 o'clock.

"No cross-examination," said Mr. Delmas, thus signalizing his first active participa-tion in the case, and young Mr. White stepped down. He had answered every question clearly and promptly and made an excellent impression. He walked back and took a seat not six feet from where the wife of Harry Thaw had just been sitting and he remained there listening to the stories of the men who saw his father shot and seized Harry Thaw, until it was shot and seized Harry Thaw, until it was announced that all witnesses would be excluded, whether they had testified or not, on the theory that they might be re-called to the stand. Before he left the room young White glanced casually in the direction of the defendant, but Thaw did not look around at him. The defenddid not look around at him. The defend-ant was palpably relieved when young White stepped down and he began again

to watch things closely. A Witness of the Shooting.

The second witness was a short, thickset man who said that he was Warren Paxton of 146 East Thirtieth street and that he had been engineer at Madison Square Garden for sixteen years. He said that he had known Stanford White all of that time, that he was on duty on the roof the night of June 25 and saw Mr. Whi He then told how the seats and tables were arranged on the roof. were a group of tables on either side and rows of seats in the middle. It was a sultry not night but it was not raining. Mr White came in about 9:3) and took a seat at white came in about 9:31 and took a seat at a table about twenty feet from where Pax-ton was standing on the Twenty-sixth street side of the roof.

"Did you see the defendant come in that

night?" inquired Mr. Garvan.
"Yes. sir." answered the engineer. "He came in about an hour and a half after Mr. White did." He added that the first time He added that the first tim he saw the defendant he was standing at the

opposite side of the table at which Mr. White was sitting.
"Go on and tell in your own way just what you saw the defendant do, "said Mr. Garvan.
"Well," said the engineer, "Mr. White was
sitting at the table. A moment or two
before the first shot was fired I saw him
and one arm was on the table; the other waas thrown carelessly over a chair that had been twisted around from the next table. He was facing directly toward the stage. I heard the first shot. I glanced immediately and saw Thaw standing at with the revolver pointing down. My eye got on him in time to see the other two shots. I watched him so closely that I did not see the body fall. I heard three shots, and as soon as I could collect myself I wanted for Mr. Them:

started for Mr. Thaw." "Can you give us ai idea of how rapidly the shots followed each other? Was it about like this?" Mr. Garvan snapped his fingers three times at intervals of about

About like that," said the witness.

Don't Get Off the Earth

Do you realize that when you are hoisted up in an elevator you are suspended in the air like a bird in a cage? Do you realize that all that holds you is a rope cable dangling from above? A wire rope working under great strain ten hours a day is not a very good life insurer. But if your building is equipped with "The Plunger Elevator." supported from below by a great steel column, you are not trusting your life to a wire rope, are you n't get off the earth.

STANDARD PLUNGER ELEVATOR COMPANY. I Broadway.

gineer, "he turned around and took the re-volver by the barrel, held it a little above the level of his shoulder and walked directly toward the exit. I started right after him. "He walked very slowly. I walked right up to him. There were two men already had hold of him—a Mr. Condey, who was

foreman of the Garden Theatre, and a fire-Mr. Condey asked would I take charge of him while he went and got an officer. I said I would: Then Thaw said to me:

The Party in the Elevator

'Can't you take me down the elevator now. I've got to go down some time, and don't wish to annoy these people.' I said that was a good idea. I took him to the elevator and pushed the button and waited till the elevator came up. There were five of us on the elevator.

Q. Do you know who the five were?" A. I supposed from the conversation that one of Q. The other two were strangers? A Entire strangers. I looked at them closely

and judged from the actions that Thaw did not object to them going down in the Q. What happened in the elevator? A. Mr Thaw admitted having shot-Delmas-One moment, I object

t because he rained my wife." O. Is that all he said? A. The lady "Yes, Harry; just look at the fix are in now." He turned around and said "All right, dearie; but I have probably saved your life." By that time the elevator was down and just as we stepped off Mr. Condey and the officer appeared. I said: Officer, here is your man." He turned to the gentleman and said: "Telephone-take her to the hotel and telephone to Carnegie, and another name I did not catch. I then eft them and went up on the roof.

After Mr. Garvan had produced a diagram and explained it to the jury Paxton pointed out the principal points on it that was then excused.

Though it was not brought out in the testi-mony, it is declared that the two men who were in the elevator with Thaw and his were in the elevator win that and the wife were Truxtun Beale and Thomas McCaleb, the friends with whom he had been dining at the Cafe Martin. Truxtun Beale is an ex-Minister to Persia and Greece. In 1902 he and Thomas W. Williams, Jr., then president of the California Jockey Club, went to the home of Frederick Marriot, editor of a San Francisco newspaper and taxed him with printing scurrilous articles about a young woman Beale sub-sequently married. In the altercation Marriot was shot three times. Beale and Wil-liams were both arrested, but Marriot re-

wered and they were not punished.

Meyer Cohen of 601 West 142d street who said he was a manager for Charles K Harris, music publisher, and was present on the Madison Square Garden roof on the night of June 25, in connection with the first presentation of "Mamselle Cham-pagne," was then called.

He said that he saw Thaw on the roof while the first act of the piece was on. He stood at the head of the centre, aisle when

O. What did the defendant do? A. Nothing nore than come down the centre aisle and stand in front of me.

Q. What was he doing while he was standing there? Was he looking around? A. He stood there quietly and, in fact, I didn't pay much attention to him, any more than to notice that he had an evercoat on and looked around quietly. That is all. After the first act I went and sat over to one side Q. How long did you remain there? Until the shooting.

Q. And where next did you see the de-A. He passed down along the aisle toward the entrance. There was another gentleman, but I didn't pay much attention to

him. They seemed to be going out. Acts Out the Tragedy.

Here Mr. Garvan told the witness to describe what happened next. Mr. Cohen stood up and acted it all out.

"Mr. Thaw," he said, "walked along quietly down the aisle and I said to Mr. Blaese, the man with me: There goes your friend.' We watched him and es your friend.' We watched him and walked about as far as where that lady is sitting there ithe witness indicated Mrs. Carnegie, Harry Thaw's sister, who was sitting in her usual seat | and then as he got that far he just walked down this way [here the witness wheeled about as Thaw did to get down to where Mr. White was propositionally awaiting him], walked Thaw did to get down to where Mr. White was unconsciously awaiting him], walked around two or three tables and fired one, two, three shots. This hand [raising his left] went out like that. This hand [raising his right] went up in the air. The pistol went upside down. He turned around and walked toward the elevator. A fireman graphed him and took the nistol away." man grabbed him and took the pistol away.

Q. Was he in front of Mr. White when he shot? A. I think he was pretty near in O He turned around suddenly in front of

White? A. The thing was done very quietly

Then Mr. Delmas got up for his first cross-examination. He asked the witness if he followed Mr. Thaw with his eyes from moment he saw him walking toward

"From the time he passed me at that " said the witness earnestly. "I said "You kept your eyes on him from then til the shots were fired?" interrupted

the lawyer.
"I think I did," said Mr. Cohen. Mr. Delmas asked a question that the witness couldn't understand and then looked at the diagram, which Mr. Jerome explained to him, the lawyer adding that he had never been on Madison Square

roof garden Henry F. Blaese of 106 West 139th street. Henry F. Blaese of 106 West 139th street, who is also employed by Charles K. Harris and was with Cohen, was next called. He had charge of the orchestration of "Mamzelle Champagne." He corroborated at that Cohen had said about Thaw's first appearance in the progress of the first act. He also told about seeing Thaw the second time and how the defendant walked down toward Mr. White, as Cohen had described it, and shot "three times at a party sitting at a table."

"He walked round this table here," said Mr. Blaese, indicating the spot on the

r. Blaese, indicating the spot on the agram, "and fired three shots."
"How long an interval," asked Mr. Garvan, "was there between the shots?"
The witness clapped his hands at second

Q. Did you hear any conversation between

the defendant and the deceased? A. I didn't Q. The moving of the lips or anything?

A Foundation for Self-Defence.

Mr. Delmas then asked many questions about Mr. White's position when he was shot. the drift of which was not at first apparent Their meaning appeared later on when Mr. Gleason told the jury that an effort would be made to prove that Thaw though would be made to prove that Thaw thought he was shooting in self-defence. Mr. Blaese differed with Cohen on one point. Cohen had said that Thaw after shooting White held the pistol up by the barrel, pointing the butt upward. Blaese said the barrel pointed up.
"And during the whole of that time this

pistol was pointed in the attitude that you have described?" asked the lawyer.
"Yes, sir," said the witness.

Q. Immediately after the shooting and see any gesture on the part of Mr. Thaw?

Q. Did he throw his arms out in this way! Mr. Delmas made a spreadeagle gesture. O. You are positive? A. I am.

Fireman Paul Brudi, who was on duty on the roof, testified that he saw the shooting, though he didn't see either Mr. White or Thaw before that, Thaw was facing Madison avenue when he shot and he held the pistol close to White's forehead.

"What did you do then?" asked Mr. Gar-

I got right over and up behind him and Garvan then produced a blue steel Colt automatic revolver and the fireman identi-It was marked for exhibit.

fied it. It was marked for exhibit.

"Did you hear Thaw say anything?" inquired Mr. Garvan.

"Yes, sir, I did," returned the fireman.

"He said: 'He ruined my wife.'" Brudi also heard Thaw's wife say: "Look at the fix you are in now," but he didn't hear Thaw say anything in reply.

On cross-examination the fireman said he was about twenty-five feet from White when Thaw shot him. He heard only two shots so far as he could remember. He started

I haw shot him. He heard only two shots so far as he could remember. He started for Thaw at the first shot, but not very fast, as he didn't want to cause any panic. He told in detail how he seized Thaw:

"I give him a chance to get out from the that. What did be say? A. He said "I did

rapive him a chance to get out from the tables and got right behind him and kept walking a few feet and looked at the position I was going to protect myself and he give me the gun without any trouble." Q. Now, is that all you saw him do? When I took the gun away from him he was looking over his right shoulder-kind of a

Q. A staring look? A. Yes. sir. He didn't come out very quick not as fast as when I first saw him. He walked slower after he

The witness repeated that Thaw said: "He has ruined my wife

Q. I will ask you, Mr. Officer, if at that time his face was pale or flushed? A. He looked like a man that was frightened. Q. I am not asking you that. Was he pale

Q. And how about his eyes? A. Looking over his right shoulder like, it appeared to me, staring.

Edward H. Convey, formerly foreman of the Garden Theatre, testified that Fireman Brudi gave him the revolver and that he turned it over to Policeman Debs. He identified the revolver.

Policeman Anthony L. Debs testified that Madison Square Garden was in his post last June and that he received the revolver that Convey gave him. It contained three empty and two loaded shells. He k charge of Thaw at the bottom of elevator shaft when Paxton brought him down. Q. And did you have any conversation

with him at that time? A. I did.
Q. Tell us what it was? A. I asked
him if he shot Stauford White, and he said he did. I asked him why he did it, and he said White had ruined his wife or his life. I couldn't tell which. Then he asked me where we were going and I said to the station house, and he said "All right."

Debs said that he then turned Thaw over to another officer and went up on the roof to guard Mr. White's body, which was lying on the Twenty-sixth street side, about twenty-five feet from the stage. He had known Mr. White and recognized the

hody.

All this time young Mr. White had been went out when Clerk Penney announced that all witnesses were to be exwhether or not they had testified.

Stanford White's Wounds. Coroner's Physician Timothy Lehane, who made the autopsy on Mr. White's body, was then called. He described the three wounds he found. The first one entered the left eye and went through to the base of the brain. The second went through the upper lip and lodged in the base of the skull. The third was a flesh wound and the bullet was found on the inner side of the right arm.

inner side of the right arm.

Mr. Garvan handed three sealed envelopes to Dr. Lehane, who opened them and identified the bullets they contained as the ones found in Mr. White's body.

Mr. Delmas asked to see them and they were handed over to the lawyers' table and passed about. Harry Thaw looked projected in another direction until they

edly in another direction until they

pointedly in another had been passed back. Stanford White's death, Dr. Lehane said, Stanford White's death, beworthage from was "caused by cerebral hemorrhage from pistol shot wounds in the skull."

Dr. Marvin Peckman, who said he was on the roof with Cohen and Blaese, said he didn't see Thaw till after the shooting. He heard three shots and then saw Thav standing with one hand raised above his head and holding a pistol, with the barrel in his hand. White, he said, had fallen from O You knew him, did you not? A. No

And did you go up to him? A. I did. Q. And was he dead? A. He was.

On cross-examination Dr. Peckman said that when he first saw Thaw after the shooting he was advancing toward him. "I first thing he ever did," said the witne "he broke the gun and then pointed it up in the air." Mr. Delmas took the gun and went on, illustrating his remarks:

"He broke the gun in the usual manner and then held it up this way?"

Yes, sir," said the witness. "Then some ly grabbed him and that was the last I of him."

saw of him."

Policeman Debs, being recalled, was asked if he heard Mrs. Thaw say anything. He replied that he did. It was at the bottom of the elevator shaft. According to Debs, Mrs. Thaw said to her husband:
"Harry, why did you do that?"
"Thaw replied," said Debs, "'It'll be all right,' or something like that."
"People rest," said Mr. Jerome, tersely, having accomplished his promised performance of putting in the prosecution's

nce of putting in the prosecution's case at the morning session.

It then facking only a quarter of 1 o'clock

adjournment was taken until 2. The Defence Opens. As usual the members of the Thaw family

had their lunch in the little room next to the court room. Mrs. William Thaw wasn't there, having gone home soon after the witnesses were excluded from the court room. There was no great crowd fighting to get into the court room, although it had become generally known that the prosecution had closed its case and the defence was ready to begin.

Just before court reconvened Mis. Harry

THE RUNNING AC-COUNT is as much within the province of a trust company as is the administration of estates. Inquire

THE EQUITABLE TRUST COMPANY OF NEW YORK

Fifteen Nassau Stree

Capital, \$ 3,000,000 Surplus and Profits, 10,500,000 Interest allowed on daily balances,

K. Thaw hurried through the court room to see her husband, who had been brought over from the Tombs. She spoke to him for a moment and waited in the room with the other witnesses for the defence all the afternoon.

first report was that Lawyer Gleason would consume four hours in making the opening speech. There were prayers that he wouldn't take that long, but it was said that in addition to giving the jury a lecture on insanity and its various causes he intended to tell very clearly just what the defence would be. When he got going on insanity District Attorney Jerome, in a very gentle speech, said that Mr. Gleason was taking too much latitude and Justice Fitzgerald agreed with Mr. Jerome. The result was that Mr. Gleason cut off a good slice of that part of his speech and only talked for an hour and fifteen

Right at the start Mr. Gleason announced that no attempt would be made to drag into the defence any suggestion of the unwritten law.

"Never before in the history of any capital case," said Mr. Gleason, "has the amount and the extent of ingenuity been expended on theories with reference to the defence of this case as here. It is important, therefore, gentiemen, at the outset that your minds should be absolutely disabused of any idea or impression that this defendant here can come before you and defend himself against this homicide by anything except by the law. The defence then, gentlemen, rests entirely upon the Constitution and the laws of the im-perial State of New York. Upon these aws we alone rely and we dismiss entirely from our thoughts and ask you to dis-miss entirely from your contemplation that this defendant or his lawyers claims the protection of any other law or higher law than the laws of the State of New

One of the laws of the State was on trial, he said, because only a short time ago a man with an opinion on the guilt or innocence of a defendant could not enter the jury box. He told the jurors that they had sworn that they would put aside any opinion they had--and most o them had opinions on the case when ex-amined—and he knew that they had intellectual power enough to do it. subject he quoted these lines from the works of John Hay:

Why should you worry in thinking whom you should marry. Choose whom you will, you will find you

have married some other fellow. "That, gentlemen," Mr. Gleason continued, "is the case here. Your previous opinions have been formed with reference to a different state of facts, with reference

to a different state of facts, with reference to the idea that emotional insanity upon a single act, or with reference to things of that kind, all of which defences will be rejected by this defendant as he stands here before you.

"What then is the defence that will be introduced in this case? The defence will rely upon all defences, which we may be able to prove under the plea of not guilty, upon all circumstances tending to show that the defendant acted without malice and without premeditation and in the belief and without premeditation and in the belief of self-defence, induced by the threats of White to kill the defendant. You will con-sider the evidence which will be presented in that regard.

"An Agent of Providence."

"But the greater part of the evidence will be to prove to you that the defendant killed Stanford White under the delusion that it was an act of Providence, that he was the agent of Providence to kill Stanford White. This defendant for three years had been suffering from a disease of the brain which culminated in the killing. of the brain which culminated in the killing clearly observable after the homicide. When examined after the homicide he was not aware of his mental condition and insisted that he was sane and that the act was an

act of Providence.

"Now, gentlemen, we have here the principal defence which we will present to you. The defendant killed Stanford White because he did not know that the act was wrong. Why did he not know the act was wrong? Because, gentlemen, he was suffering from a disease of the brain which produced that condition of mind under the explosive operations of which he believed that he had a right to kill Stanford White, acting under the influence of this

What was the cause of this mental condition of the brain? Hereditary insanity in the family, the story of his life and the acts of Stanford White and the conclusions they produced on the mind of the man, under which it finally gave way." Mr. Gleason said that the jurors were

competent judges of insanity even more competent than some of the alienists or trained lawyers. He went into a descrip tion of the brain and pictured the impulses under which men act. His talk was very involved and one of the jurors yawned. Thaw seemed to be very much depressed. Most of the time he held his face in his hands. He got cold apparently, for he got up and wrapped his coat around his shoulders. Then he let his head fall into his hands again. His face lost the look of eagerness which it has shown during most of the trial, and altogether it appeared of the trial, and altogether it appeared that something had happened to make Thaw very dejected. Mr. Gleason got to

"Gentlemen when you have gone into the jury box apply the test to the acts of this defendant as testified to by the wit-nesses and you will say, gentlemen, that that act may have been an act of insanit but could not have been an act of crime. "I have another test, the test of sorrow, For we will prove to you the grief and sorrow of the defendant, which acted upon his mind before it gave way and culminated in this fatal act. There is the verse of that

great German poet: Who ne'er his bread in sorrow ate, Who ne'er the midnight hours,

may come, but never crime.

Hard upon his bed of sin,
He knows not you, ye Heavenly Powers. "Gentlemen, I have eaten my bread in sorrows: I have sat through the nights weeping, and I know, and you know, that from the experiences like these insanity

Insanity May Be Partial. It did not mean, Mr. Gleason said, that because a man was insane he was insane on all things. He told of a woman he knew who killed her three children and when she was found every recollection of the scene had been removed. Everybody said she was insane because of the extraordinary nature of her act. But, he added, in an act in a high degree irrational the suggestion of insanity was bound to intrude itself.

"We will introduce to you," said Mr.
Gleason, "in detail, the evidence of these
facts that there was insanity in this man's
family so that if he were subjected to proy-

longed stress the hypothesis of insanit would become a reasonable one, in fact the only one you could take." An insane man may know in the abstract what is right and what is wrong. Mr. Gleason said, and he might have an abhorrence of murder, yet the insane impulse would sink the right and the conscience in the general wrong. In addition the freedom of the will is destroyed by insanity "because the conscience is falsified by delusions and hallucinations."

"A maa acting under the influence of delusion, that it was an act of Providence kill Stanford White, is a man you can readily see was not a saue man or to held responsible for his acts.

"So the law regulates all prosecutions and requires the people to prove that the act was

his free will and he is no more responsible for it than if I by superior force should take the arm of one of you jurors and place in your hand a knife and punch it to the heart of a fellow juror. If the man by reason of his insanity was compelled to do this act, the law ways he is not reproposible this act, the law says he is not responsible

Mr. Gleason then quoted the law on in sanity and gave the definitions of murder by eminent Judges and legal authorities. There was a difference, he said, between

pour some ink into that glass of water (there was a glass in front of him) every particle of water would be affected and

rherefore the doctrine of these alienasts is that if a man is insane he cannot know right from wrong, in other words they go beyond the legal definition. They say that insanity being a distress of the mind and operating in the manner I speak of, it is not possible for an insane man to know right from wrong, but that his ideas of right and wrong are so tinged by his disease right and wrong are so tinged by his disease that he does not know the difference between right and wrong in any instance.

comment. It was explained later that a defendant is presumed to be same until the defence injects something to show that he was insane. Then, of course, the prosecution has got to combat that

testimony.

The first interruption in Mr. Gleason's speech came when he said that he had in his hand a paper by Dr. MacDonald "in which he severely criticises—"

That was as far as he gct. Assistant District Attorney Garvan said he objected to anything being read from the document. Justice Fitzgerald said the paper wasn't in evidence.

Mr. Gleason." If the Court has the slightest objection I am entirely willing not to men-

that. Mr. Gleason, however, had the idea that he had the right to read what was on the paper, as he announced his attention of calling it to the attention of Dr. MacDonald "By conceding that he is a witness for e prosecution," suggested Justice Fitz-

"By conceding that he is a witness for the people," continued Mr. Gleason, "I think it is proper for me to refer to the paper. But I do not care to argue the question in the slightest degree or to take the time o do it, because it is not necessary. But do not want to leave this question with the idea that I have not the right to refer

to the paper."

Then Mr. Gleason went on discussing whether any insane man could tell the difference between right and wrong. "If that proposition were true," he said, "why that proposition were true," he said, "why then in certain weak cases of insanity the case would be stronger for the defendant. I mean that if that proposition were true it would not do us any harm, but it tends to do the people's case harm by making out that generated who is insane cannot

Gleason repeated that the defence would stand on the law of the State of New York and that it would be shown that when Thaw killed White he did not know it was wrong.

"There will be no different construction of the statues," he said. "Nor will there be any argument or inference to be derived. by experts who think, in their wisdom by experts who think, in their wisdom, that they are higher than the laws of the State of New York. We are satisfied with the definition of the law as it stands to-day. It is entirely adequate, proper and correct, and it is the proper definition which should be applied here. The law, therefore, submits to you but one question—when that man shot Stanford White was because. A revolute of the control of the con he sane? Are you satisfied beyond a reason able doubt that when that man shot Stan ford White he was sane? The prosecution is bound to prove to you after we have introduced, as we will by evidence from which you can find that this man was in-sane—the prosecution is bound to prove to you beyond a reasonable doubt that that

Gleason Clashes With Jerome Fitzgerald had ordered that there me

had a clash with Mr. Jerome. Mr. Gleason began to illustrate the difference between a preponderance of evi-dence and reasonable doubt. He said that

would have to apply. I presume that you have all read more or less the works of Robert Louis Stevenson, and you have read of that mysterious organization which is called 'The Suicide Club.' I will invite you, therefore, to go with me to the portals of that building and go with me into the resence of the president of that club.
Tou are standing before him. You are—" Mr. Jerome was on his feet. In a very

to me, is going beyond the province of an opening statement to the jury. He is laying down propositions of law and I

Justice Fitzgerald said that he thought

gerald rather shortly. The suggestion that the District Attorney made is somewhat late," said Mr. Gleason, looking at Mr. Jerome. "I had practically looking at Mr. Jerome. "I had practical finished what I was about to say upon the subject of insanity and of the law. District Attorney seems to think that I was endeavoring to take a different attitude position than the attitude of endeavoring

Everything Fire Protection

Every time you pay your premium, teles phone us to recharge your fire extinguishers. It costs very little and you feel safe.

Phila, and Pittsburg.

what is called legal insanity and medical insanity. He added: "The physicians have an idea that a man is like a glass of water in this respect, that when you pour ink into it, just as if I should

inged by the dark fluid put into it.
"Therefore the doctrine of these alienists

Makes the Allegists Smile.

Dr. Austin Flint and Dr. Carlos MacDonald, two of the expert for the prosecution, smiled at Mr. Gleason's reference to
the ink and the glass of water. Mr. Gleason
son's assertion that it was the duty of the
prosecution to show that the defendant
was sane at the time of the act caused some

The doctor's evidence will be," said

Justice Fitzgerald said he understood

out that everybody who is insane cannot know right from wrong." But the defence didn't rely on that. Mr.

man was sane when he killed Stanford White.
"So that, gentlemen, the question before you is right here. Here is the man in the theatre. He killed some one. Why did he kill? "Well, he may have been crazy. he may have been intoxicated, he may revenge, he may have been acting under the influence of insane jealousy. On some one or other of these motives that man was acting. The prosecution has got to exclude from your mind the doubt that insanity may have been a factor in the

It began to look as if Mr. Gleason was going to take up the four hours which he had said it would take, and some of the persons in the court room became a little ervous and wanted to leave, but Justice be absolute quiet and everybody had to Thaw hadn't taken his head out of his hands for some time when Mr. Gleason

the prosecution would have to convince jury beyond a reasonable doubt that "And I will endeavor to make that dis-tinction very clear and plain to you," said Mr. Gleason. "For, gentlemen, if your lives were in the balance this is the test you

mild voice he said:
"Pardon me, your Honor, I am always
very loath to interrupt counsel if by the
most extreme construction of the law he
is within his rights. Counsel, it occurs

Mr. Jerome's point was well taken. He intended, in the discretion of the Court, to intended, in the discretion of the Court, to allow counsel great latitude, but in view of Mr. Jerome's objection he felt compelled to tell counsel that he must confine himself to the evidence he intended to introduce. Mr. Gleason didn't seem to think that he had gone out of the way, but Justice Fitzgerald assured him he had.

"I desire to take the intimation of the Court in all seriousness," said Mr. Gleason, "but if the Court has any question of doubt as to the illustration I propose to give—" as to the illustration I propose to give—"
"Proceed, confine yourself to a statement of the evidence," said Justice Fitz-

to lay down for you exactly the principles of law. I wish that he had stated that before. However, as I say that I am practically through, with the exception of calling

S. F. HAYWARD & CO. 20 Warren St., New York



In Celebration of the Semi-Centennial of the House of Steck

Not merely a new piano, but a new standard in pianos of this class

STECK DEMI GRAND

THE success of the STECK DEMI GRAND is based chiefly upon these distinctive

A popular size (five feet five inches), permitting persons to own a Grand Piano that would otherwise have to content themselves with an upright.

The retention of the real Grand quality of tone

in this limited space. A new scale that produces absolute evenness throughout all the registers.

The same action as in the highest-priced Concert Grand, giving a most inviting and delightful touch.

A dignity and grace of appearance completely

satisfying to the artistic eye. AND THE PRICE-

\$650

Extremely moderate when the rare beauty and large volume of tone are considered.

Moderate monthly payments may be arranged if preferred.

The Aeolian Co. near 34th St., New York.

your attention—unless the Court should indicate a doubt—to what I regard as a fair indication of the difference between the

Justice Fitzgerald made some remark, which was missed by most of those in the court room, and then Mr. Gleason went on to define the law, After a preliminary explanation he said:

The condition that we lay down, gentlethe condition that we lay down, gentle-men, is this one, which we will endeavor to prove to you by our evidence. It is that there was a heredity and that there was a stress upon the mind of this defend-ant which culminated in the act which was in its nature extr that the defendant cannot for a moment be thought to be sane beyond a reasonable doubt.

Down to Facts at Last

With a sudden switch—so sudden that those in the court room who had been dozing off sat up with a jerk-Mr. Gleason got down to telling what the defence intended show. That was what everybody had ben waiting for and even the sympathy "Now this young man, Harry K. Thaw," said Mr. Gleason, "is 36 years old. He was born on February 12, 1871. His father was William Thaw, who died in 1889. His

was William Thaw, who died in 1889. His mother is Margaret Copely Thsw, and she is now living here. Two cousins of William Thaw, the children of his uncle, William Thaw, were insane. Harriet A. Thaw, who is now in a sanitarium-"One moment," broke in Mr. Jerome.
"Counsel will please state nothing that will not be adduced in evidence."
"Not introduced," said Justice Fitz-

But he is dealing with a collateral branch of the case now," said Mr. Jerome. is dealing with the children of an aunt. "I cannot rule upon the evidence now, said Justice Fitzgerald. "Proceed, please There are limitations to which the counse will confine himself. "I will not go into details," continued Mr. Gleason. "I will simply say to you, gentlemen, on both sides of this defendant's family, both as to the father and mother, we will produce to you direct evidence that there was insanity, and we will prove to you, gentlemen, that this man was born

to you, gentlemen, that this man was born with what the physicians call a psychopathic temperament liable to a mind disease—what we would call in our way a highly nervous temperament. The slightest thing would awaken him. He did not awaken naturally like other children, but arose with a start. He had convulsions in his early youth. He was a victim of unnatural awakening, and without going further into that branch of the evidence I will say that upon those facts and others similar that upon those facts and others similar to them we will ask you to find, and you will be obliged to find beyond a reasonable doubt, that this man had an insane heredity and that he had a temperament liable break forth into insanity if the seeds of in-anity were applied.

"The young man met Evelyn Nesbit in 1901. He saw her from time to time and fell in love with her. Gentlemen, he loved fell in love with her. Gentlemen, he loved that young woman with as honorable a love as any one in this court room has loved a woman whom he would choose to be his wife. He went to the mother of this girl in March, 1903, and told her that he wished to marry her daughter if he could gain her affections. The daughter had a severe operation and was confined to a sanitarium in the spring of 1903, and her condition on in the spring of 1903, and her condition on recovering from the operation was pre-

"It was arranged between Thaw and the mother that the mother should take the daughter to Europe for the purpose of re-gaining her health, and that Thaw might accompany them, and he did accompany them in the position of an open and allowed suitor for the hand of her daughter. In London he took Miss Nesbit to visit his own sister, the Countess of Yarmouth, who was then residing there and who is now here in this court.

Why Evelyn Neshit Refused Him.

"In June he asked her to marry him and she refused. Now gentlemen, the circumstances of that refusal, reasons that she gave for that refusal, she will tell you with er own lips. The manner in which Mr. Gleason made

this statement indicated to everybody that the story of Thaw's wife will be something that has never been even hinted at before. Mr. Gleason said he didn't think that it was within the province of an opening address to endeavor to state the details of the fact to endeavor to state the details of the facts which will be put before the jury, "but I do understand that it is highly proper, and I think the Court will agree with me, that I call to your attention the principles of law which will finally govern your decision. As to the details of evidence I do not think that I should go into them, and therefore I will say to you that the reasons for this girl refusing to possent to a man-



Cluett Shirts fit perfectly-wear longest—look best for every type and style of man. The perfect shirt for every occasion.

riage she will tell to you. Suffice it to say that those reasons were an occurrence in the life of that girl with reference to Stanford White."

CLUETT, PEABODY & CO.,

MAKERS OF ARROW COLLARS.

Mr. Gleason reused to watch the effect of that stacement Then he went on "Harry Thaw die not accept the refusal of this girl as numb. He persisted in his insistence that she should marry him, until finally, with the full consent of family, he was married to the girl on April 4, 1905.

"Therefore, gentlemen, our position is that from the time of the telling of this Continued on Third Page.

The Story That Atlacked His Reason.

DIED.

PROTHINGHAM .- Suddenly, on Saturday, Feb. 2. 1907, at his residence, 20 West 77th Howard P. Frothingham. uneral service at the Church of the Heavenly

HUGHES.-At his residence, 816 Greenwich st., on February 2, Richard W. Hughes, age 57 years. Funeral services at the chapel of the Stephen Merritt Burial Company, th av. and 19th st. on Tuesday evening, at a o'clock. ELSEY.—Entered into rest on Monday, Feb. 4, 1907, Mary J. Kelsey, wife of Henry B. Kelsey,

Rest, 5th av. and 45th st., on Tuesday, Feb. 5, at 9:30 A. M. Interment Woodlawn Cemetery.

in her 54th year.

Puneral services at her late residence, 315 Wesh
138th st., on Tuesday evening at 8 o'clock. MOULTON.—Suddenly, on February 3, Geo.ge S., beloved husband of Minnie Reitze Moulton. age 41 years.
uneral services at the chapel of the Stephes

Merritt Burial Company, 8th av. and 19th st., on Tuesday evening at 8 o'clock. Interment at Forest Hills Cemetery, Boston, Mass., on Wednesday morning at 10 o'clock. Boston and Chicago papers please copy.

ECK .- At Jamaica, N. Y., on Feb. 3, 1907, George L. Peck, in the 75th year of his age. Funeral services will be held on Wednesday. Feb. 6, at 2 o'clock P. M., at his late residence, 47 Clinton av., Jamaica.

RHOADES .- At Stratford, Feb. 3, David P. Rhoades, in the 33d year of his age.
Funeral from his late residence Wednesday
afternoon at 3 o'clock. CHERMERHORN .- On Feb. 3, 1907, at her resi

dence, 25 East 79th at., New York city, Katie Tuckerman Cotting, widow of John Egmont Schermerhorn of this city, and daughter of the late Amos Cotting and the late Elizabeth Jameson Cotting. Funeral private. London and Paris papers

Mrs. Winslew's Scothing Syrup for children eathing, softent the gums, reduces inflammation, illays pain, cures wind colic, diarrhes, 25c. a bottle.

UNDERTAKERS.

BUSINESS NOTICES.

STEPHEN MERRITT BURIAL CO.

The element of STYLE, so often lacking in ready-towear garments, is a prominent feature of those shown here. George G. Brazamin Broadway Cor. 26 25

Correct Dress for Min